

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONNELL W. PRICE,

Petitioner,

v.

PATRICK R. GLEBE,

Respondent.

CASE NO. C14-5011BHS-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 48), and Plaintiff Donnell Price’s (“Price”) objections to the R&R (Dkt. 49).

On November 11, 2016, Judge Creatura issued the R&R recommending that the Court deny Price’s petition on the merits. Dkt. 48. On December 7, 2016, Price filed objections. Dkt. 49.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Price has failed to show any error in Judge Creatura's
2 recommendation. Although Price argues that there were many errors in his trial, he has
3 failed to show that any alleged error entitles him to federal habeas relief. In other words,
4 the state court did not adjudicate Price's issues in a manner that was either contrary to or
5 an unreasonable application of clearly established federal law. Therefore, the Court
6 having considered the R&R, Price's objections, and the remaining record, does hereby
7 find and order as follows:

- 8 (1) The R&R is **ADOPTED**;
- 9 (2) The Court **DENIES** Price's petition on the merits;
- 10 (3) The Court **DENIES** a Certificate of Appealability; and
- 11 (4) The Clerk shall enter **JUDGMENT** for Defendant and close this case.

12 Dated this 25th day of January, 2017.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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